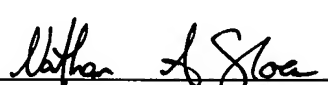
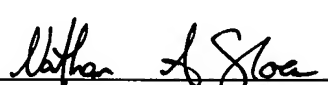
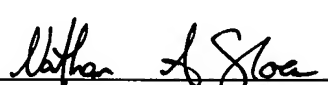


Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 06502.0373-00000										
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/035,586	Filed 12/28/2001										
	First Named Inventor Guy L. Steele, JR.											
	Art Unit 2193	Examiner Tan V. Mai										
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td> Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>Nathan A. Sloan Typed or printed name</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,249</td><td>202.408.4312 Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td>9/30/05 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <table border="1"><tr><td><input type="checkbox"/> *Total of 1 forms are submitted.</td></tr></table>				<input type="checkbox"/> applicant/inventor.	 Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Nathan A. Sloan Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,249	202.408.4312 Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	9/30/05 Date	<input type="checkbox"/> *Total of 1 forms are submitted.
<input type="checkbox"/> applicant/inventor.	 Signature											
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Nathan A. Sloan Typed or printed name											
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,249	202.408.4312 Telephone number											
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	9/30/05 Date											
<input type="checkbox"/> *Total of 1 forms are submitted.												

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2193
PATENT
Customer No. 22,852
Attorney Docket No. 06502.0373-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Guy L. STEELE, Jr.)	Group Art Unit: 2193
)	
Application No.: 10/035,586)	Examiner: Mai, Tan V.
)	
Filed: December 28, 2001)	Confirmation No.: 2878
)	
For: COMPARATOR UNIT FOR)	
COMPARING VALUES OF)	
FLOATING POINT OPERANDS)	
)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests a pre-appeal brief review of the rejections in the Office Actions mailed on September 15, 2004, and May 31, 2005. This Request is being filed concurrently with a Notice of Appeal, in accordance with the Official Gazette Notice of July 12, 2005.

This Request follows the Request for Reconsideration ("RFR") mailed July 29, 2005, the substance of which has not been addressed by the Examiner.

Remarks begin on page 2 of this paper.

REMARKS

Claims 1-22 remain pending, with claims 1-6, 8-15, and 17-21 being the subject of this Pre-Appeal Brief request for review. In the Final Office Action, the Examiner rejected claims 1-6, 8-15, and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,995,991 to Huang et al. ("*Huang*"); rejected claims 1-6, 8-15, and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,931,943 to Orup ("*Orup*"); and rejected claims 1-8, 11, 13, 14, 17, 19, and 20 under nonstatutory double patenting as being unpatentable over claims 1, 2, 4-9, 15-17, and 26-28 of copending U.S. Patent Application No. 10/028,375.¹

I. The rejection of claims 1-6, 8-15, and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over *Huang* is improper

The Examiner's rejection contains clear errors and omits essential elements necessary to establish a *prima facie* case of obviousness with respect to claims 1-6, 8-15, and 17-21 based on *Huang*. *Huang* does not teach or suggest each and every element of Applicant's claims, and there is no motivation to modify *Huang*.

Claim 1 recites a combination including, for example,

a plurality of analysis circuits, one for each of the floating point operands, configured to determine a format of each of the floating point operands based upon floating point status information encoded within each of the floating point operands;

The Examiner appears to assert that *Huang*'s register 116 (Fig. 4) constitutes the claimed "operand." This is clearly wrong.

Huang specifically distinguishes between a register and an operand, stating "each of the registers 116 and 118 has an operand . . . portion 116-1 and 118-1." (*Huang*, col. 6,

¹ Pending the withdrawal of the rejections under 35 U.S.C. § 103(a), Applicant will respond to the double patenting rejections as set forth in M.P.E.P. § 804(I)(B) or § 804.02. Applicant does not request review of these rejections by the Pre-Appeal Brief review board.

line 66-col. 7, line 1). Moreover, “**operands** X and Y [are] stored in **operand portions** 116-1 and 118-1 of **registers** 116 and 118.” (*Huang*, col. 7, lines 8-10). Even assuming that tag values x_tag and y_tag correspond to the claimed “status information,” (which Applicant does not concede) the Examiner’s contention that *Huang*’s register 116 containing x_tag 116-2 constitutes the claimed “status information encoded within the operand” is clearly contradicted by *Huang*. See, e.g., *RFR* at p. 9.

Structures such as those taught by *Huang* were acknowledged in the Background section of Applicant’s specification, which states “conditions are typically represented by flags [a form of status information] that are stored in the floating point status register, separate from the floating point operand” (emphasis added paragraph 024, see also paragraph 003). Claim 1 specifically distinguishes over such structures, calling for “status information encoded within the ... operands.” See, e.g., Fig. 2, paragraph 036, and paragraph 037 of Applicant’s specification.

Accordingly, the Examiner’s position that *Huang*’s register 116 constitutes an “operand,” as recited in the claims, is a clear error. The separate operand 116-1 and separate tag value 116-2 of *Huang* do not constitute a teaching or suggestion of “status information encoded within the ... operand,” as recited by independent claim 1 and required by dependent claims 2-6 and 8-10. Independent claims 11 and 17, although of different scope, recite elements similar to elements recited by claim 1. Claims 12-15 and 18-21 depend from claims 11 and 17 and therefore include all of the elements recited therein. Since *Huang* fails to teach or suggest each and every element of the claims, no *prima facie* case of obviousness has been established.

Moreover, the Examiner has neither indicated how *Huang* could be modified nor provided any motivation to modify *Huang* to achieve the claimed combination (see *RFR* at

pp. 10-11 and Office Action mailed September 15, 2004 at pp. 5-6). Accordingly, no *prima facie* case of obviousness has been established for claims independent 1, 11, and 17.

Similar arguments apply to dependent claims 2, 4-6, 8-10, 12, 13, 15, 18, 19, and 21 (see *RFR* at pp. 11-12 and Office Action mailed September 15, 2004 at pp. 6-7).

Therefore, the rejection of claims 1-6, 8-15, and 17-21 under 35 U.S.C. § 103(a) based on *Huang* is improper, and Applicant requests the board of examiners to withdraw the rejection.

II. The rejections of claims 1-6, 8-15, and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over *Orup* is improper

The Examiner's rejection contains clear errors and omits essential elements necessary to establish a *prima facie* case of obviousness of Applicant's claims 1-6, 8-15, and 17-21 based on *Orup*. *Orup* fails to teach or suggest "status information encoded within the ... operand," as recited by claim 1.

The rejection does not make clear what portion(s) of *Orup* allegedly teach the claimed "status information." However, even assuming that *Orup*'s tag value constitutes "status information," (which Applicant does not concede) the tag value of *Orup* is not "encoded within the ... operand," as recited by claim 1.

The Examiner appears to assert that *Orup*'s element 84 (Fig. 4) constitutes an "operand" which contains tag field 89 (alleged status information). See generally Office Action mailed September 15, 2004 at p. 3. This is incorrect. *Orup* specifically states that element 84 is a register stack, not an operand, and that register stack 84 contains a separate Reg Field 87 for storing an operand and a separate Tag Field 89 for storing a tag (alleged status information). *Orup* only teaches the tag is associated with, but separate from an operand, not that the tag is encoded within an operand (see *RFR* at pp. 3-4). Fig. 4

of *Orup* clearly illustrates that Tag Field 89 (status information) and Reg Field 87 (operand) are separate from each other and stored within register stack 84. This does not constitute a teaching or suggestion of "status information encoded within the ... operand," as recited by independent claim 1 and required by dependent claims 2-6 and 8-10. Independent claims 11 and 17, although of different scope, recite elements similar to elements recited by claim 1. Claims 12-15 and 18-21 depend from claims 11 and 17 and therefore include all of the elements recited therein.

Moreover, the Examiner has neither indicated how *Orup* could be modified nor provided any motivation to modify *Orup* to achieve the claimed combination (see *RFR* at pp. 5-6; see Office Action mailed September 15, 2004 at pp. 3-4). Therefore, no *prima facie* case of obviousness has been established for claims 1, 11, and 17. Similar arguments apply to dependent claims 2, 4-6, 8-10, 12, 13, 15, 18, 19, and 21 (see *RFR* at pp. 6-7, 18, and see Office Action mailed September 15, 2004 at pp. 4-5).

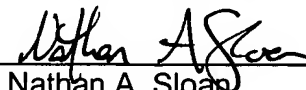
Therefore, the rejection of claims 1-6, 8-15, and 17-21 under 35 U.S.C. § 103(a) based on *Orup* is improper, and Applicant requests the board of examiners to withdraw the rejection.

In view of the foregoing, claims 1-22 are in condition for allowance pending withdrawal of the double patenting rejection. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2005

By: 
Nathan A. Sloan
Reg. No. 56,249